

REMARKS/ARGUMENTS

In the present Office Action, claims 1-3, 6-9, 12-15, and 18-20 are pending in the application. Claims 1-3, 6-9, 12-15, and 18-20 are rejected. Applicant has thoroughly reviewed the outstanding Office Action including the Examiner's remarks and the references cited therein. The following remarks are believed to be fully responsive to the Office Action. All the pending claims at issue are believed to be patentable over the cited references.

CLAIM REJECTIONS – 35 U.S.C. §102(b)

Claims 1-3, 6-9, 12-15, and 18-20 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 2,036,106 to Stuard.

To anticipate a claim, the reference must teach every element of the claim. *MPEP* §2131. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987).

The Office action repeats the same basis for the rejection under § 102(b) as being anticipated by Stuard as were presented in the previous Office action. These rejections, found on page 2 of the present Office action will not be repeated here.

Regarding this rejection, for the Examiner's convenience, the Applicant repeats its Response to the Rejection found on pages 7, 8, and 9 of his Response filed on August 15, 2006:

The Applicant respectfully disagrees. Stuard discloses a separator. Air enters the separator through inlet port 6 into chamber C (see FIG. 1), which is part of the lower portion of the shell (see p. 1, Col. 1, line 54). "The lower portion of the shell or casing 1 has disposed thereacross a partition 7 dividing the casing or shell 1 into an upper separating chamber C and a lower elimination chamber E. These two chambers are in communication through the opening 8 at the bottom portion of the partition 7 which, as illustrated in Figure 1 of the drawing, is in the

form of an introverted truncated cone.” Stuard, page 1, Col. 1, line 54 to Col. 2, line 7; FIG. 1. A filtering chamber F containing “pebbles 18 and a packing or lamination 19 of ginned wool or other shredded fibrous material” sits inside chamber C. Stuard, page 1, Col. 2, lines 8-18 & 25-29; FIG. 1. At the lower end of the tubular member defining filter chamber F is a perforated plate 12 which allows air to enter the filtering chamber F and water to drain out of filtering chamber F. Stuard, page 1, Col. 2, lines 13-18. Water draining out of filter chamber F and chamber C then passes through opening 8 to element S and out drain opening 23. (see FIG. 1.) Thus, chambers F and C share an orifice 8 and do not each have an orifice.

At the top of filtering chamber F, flange 10 and plate 20 have a large opening 31 that is sealed by a disk 36 forced closed by a spring (expandable member 37 and a weighted member 39). Stuard, page 2, Col. 1, lines 5-28. This combination of flange 10, plate 20, and disk 36 forms the upper surface of chamber C and filtering chamber F. Thus, as described in the specification and in view of the drawings, chamber C, chamber E, and filtering chamber F are designed to be at the same pressure when the separator is operating. Furthermore, chamber D is sealed off from chamber C, chamber E, and filtering chamber F by the combination of flange 10, plate 20, and disk 36. An air stream will flow through chamber F and act on piston 33 causing disk 36 to move rod 26 upwards and allow air to pass through. Thus, the differences in pressure between Chambers F and D cause the movement of the disk 36.

Thus, Stuard does not disclose at least “a drain device, having an orifice in the inner chamber and the outer chamber for draining the liquids from both the inner chamber and the outer chamber from the filter, wherein the spring loaded ball or valve shuts the inner chamber drain orifice when the outer chamber pressure is greater than the inner chamber pressure,” as in independent claim 1 of the present application. Also, Stuard does not disclose at least “draining liquids from both the inner chamber and the outer chamber from the filter through a drain device having an orifice in the inner chamber and the outer chamber, wherein the drain device comprises a spring loaded ball or valve to open or shut the orifice in the inner chamber, and wherein the spring loaded ball or valve shuts the inner chamber drain orifice when the outer chamber pressure is greater than the inner chamber pressure,” as recited by claim 7. Further, Stuard does not disclose at least “draining means, having an orifice in the inner chamber and the outer chamber for draining the liquids from both the inner chamber and the outer chamber from the device, wherein the draining means comprises a spring loaded ball or valve to open or shut the orifice in the inner chamber, and wherein the spring loaded ball or valve shuts the inner chamber drain orifice when the outer chamber pressure is greater than the inner chamber pressure,” as recited by claim 13. Thus, the Examiner’s rejection of independent claims 1, 7, and 13 should be withdrawn in light of the preceding arguments.

Claims 2, 3, 6, 19, and 20 depend directly or indirectly from independent claim 1, claims 8, 9, and 12 depend directly or indirectly from independent claim 7, and claims 14, 15, and 18 depend directly or indirectly from independent claim 13. Because independent claims 1, 7, and 13 are in condition for allowance, the dependent claims listed above are patentable at least by virtue of their dependency on allowable independent claims. Thus, the rejection of these dependant claims should be withdrawn.

In response to the Applicant's arguments set forth in his previous Response, the Office action states that "[t]he language of the claim does not specify the spatial relationship between the inner chamber and the outer chamber such as co-annular or anything like that." The Applicant respectfully disagrees. Independent claims claim a filter that includes "a filter element disposed in a body defining an inner chamber and an inner pressure," and "a housing, having the body disposed therein and an outer chamber and outer chamber pressure defined by a region outside the inner chamber and inside the housing." Thus, the independent claims do specify the spatial relationship between the inner chamber and outer chamber. As stated in the claims, the filter element is disposed in a body that defines an inner chamber and an inner pressure, this body defining the inner chamber and the inner pressure is located inside a housing, and an outer chamber and outer chamber pressure defined by the region outside the body that defines the inner chamber and inside the housing. Therefore, while the claimed language does not describe the relationship between the inner chamber and the outer chamber in one word (such as co-annular) the spatial relationship between the two chambers is described within the claims.

In addition, the Applicant continues to argue that Stuard does not disclose the claimed invention. In particular, Stuard does not disclose at least "a drain device, having an orifice in the inner chamber and the outer chamber for draining the liquids from both the inner chamber and the outer chamber from the filter, wherein the drain device comprises a spring loaded ball or valve to open or shut the orifice in the inner chamber, and wherein the spring loaded ball or

valve shuts the inner chamber drain orifice when the outer chamber pressure is greater than the inner chamber pressure” as claimed in independent claim 1, and as variants in claims 7, and 13.

The Office action identifies chamber F shown in Fig. 1 of Stuard as corresponding to the claimed “inner chamber.” The Office action identifies chamber C shown in Fig. 1, of Stuard as corresponding to the claimed “outer chamber”. The Office action identifies a spring loaded valve (spring 37, discussed at page 1, line 42 through page 2, line 38 of Stuard).

Given the Office action’s definition, of the inner chamber as chamber F and the outer chamber as chamber C, the spring loaded valve does not anticipate the claimed spring loaded ball or valve. In particular, Stuart states that

“[t]he pressure of the air from below the piston 33 and the disk or plate 36 seated upon the piston will move the rod 26 upwardly until the gasket 40 comes into contact with the lower end of the sleeve 28 which, as illustrated in Figure 1, extends a slight distance below the plate 12. This contact of the washer 48 with the adjacent lower end of the sleeve 28 will effectively close the sleeve 28 against flow upwardly therethrough of moisture laden air and will at the same time prevent further upward movement of the rod 26 under the action of the air pressure.”

Stuard page 2, lines 45-57. Thus, the movement of the valve assembly disclosed in Stuard is not dependent on the relative pressures of chambers F and C. Rather, referring to Stuard page 2, lines 45-57 and FIG. 1 of Stuard it is clear that the movement of the valve assembly disclosed in Stuard is dependent on the pressure found in chambers F, C, and E being greater than the force exerted on the spring 37 through piston 33. Thus, claims 1, 7, and 13 do not read on Stuard because the valve assembly of Stuard does not disclose “draining liquids from both the inner chamber and the outer chamber from the filter through a drain device having an orifice in the inner chamber and the outer chamber, wherein the drain device comprises a spring loaded ball or valve to open or shut the orifice in the inner chamber, and wherein the spring loaded ball or

valve shuts the inner chamber drain orifice when the outer chamber pressure is greater than the inner chamber pressure” as disclosed in claim 1 and similarly disclosed in claims 7 and 13.

Thus, the Examiner’s rejection of independent claims 1, 7, and 13 should be withdrawn in light of the preceding arguments. Claims 2, 3, 6, 19, and 20 depend directly or indirectly from independent claim 1, claims 8, 9, and 12 depend directly or indirectly from independent claim 7, and claims 14, 15, and 18 depend directly or indirectly from independent claim 13. Because independent claims 1, 7, and 13 are in condition for allowance, the dependent claims listed above are patentable at least by virtue of their dependency on allowable independent claims. Thus, the rejection of these dependant claims should be withdrawn.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. If it is believed that the application is not in condition for allowance the Examiner is requested to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

Docket No. 87245.1660
Application No. 10/697,868
Customer No. 30734

Special Examination Procedures Amendment
After Final Under 37 C.F.R. § 1.116

In the event this paper is not timely filed, Applicant petitions for an appropriate extension of time. Please charge any fee deficiencies or credit any overpayments to Deposit Account No. 50-2036 with reference to Attorney Docket No. 87245.1660.

Respectfully submitted,
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